Idaho Fish and Game Commission
Special Meeting March 15-16, 2023
Idaho Department of Fish and Game
Sawtooth Room
Boise, Idaho

March 15

SEASON SETTING AND RULES

Public Hearing

Chairman Murphy called the meeting to order at 7:00 p.m. MDT. Commissioners Dave Bobbitt, Don Ebert, Greg Cameron, Jordan Cheirrett, Derick Attebury and Ron Davies were present.

The following individuals provided in person testimony: Braiden Landon, Brian Clustead, Kurt Baugher, Kaycee Baugher, Don Sickles, Burk Mantel, Jon Keehner, Dakota Jenkins, Dallin Casperson, Kolton Haines, Pat Tropea, Frank Schwartz, Jeff Abrams, Dave Cannamela, Tyler Strickland, Jim Marlett, Angel Lavan, Brian Shanahan, Royce Schwenkfelder, Rachael Kidd, Justin Webb, Boyce Jackson, Bill London, Rusty Kramer, Scott Allan, Hunter Hafen, Matt Borg, Jon Hall and Chuck Gee.

Written comments (Appendix 56, Exhibit 12) received from Idaho Farm Bureau and Northern Idaho Whitetails Forever.

March 16

Opening Comments

Chairman Murphy called the meeting to order at 8:00 a.m. MDT. Commissioners Bobbitt, Ebert, Cameron, Attebury, Cheirrett and Davies were present.

SEASON SETTING AND RULES

Review of Public Comment

Director Fredericks and Commissioners discussed and reviewed the public comments. Director Fredericks noted that there were 29 people who offered testimony.

Comments included:
Main issues were related to action items 5.B. Petition to close trapping in Unit 39 and require signage for traps at trailheads and along trails and 5.C. Big Game Season Setting. Several comments addressed both issues.

Petition/Trapping Seasons

- Of the 29 people offering testimony, 10 did not support the petition for a rule requiring signage or the request to further restrict trapping in unit 39.

- We heard from individuals representing ITA, ICA, F4WM, and IFB.

- One comment noted the importance of trapping as a useful tool in managing nuisance animals and depredations, problem, beavers, chicken eating raccoons or coyotes.

5.C. Big Game Seasons

- Most comments were related to the Weiser bear units (22&32).
- Five people testifying did not support the proposal scoped with the public to modify the boundary of the controlled hunt area to the NF boundary. Saying it would be very difficult to implement and enforce.
- One person did support the scoped proposal.
- Two suggested an alternative of limiting the over-the-counter hunt to private land only.
- One commonality seemed to be a desire to see the last 2 weeks in September re-opened to the use of hounds. That was changed 2 years ago due to perceived conflicts with archery elk hunters.

Other Big Game Season setting input.

- Reps from SFW and IWSF commented in support of the proposal to increase Mtn. Lion harvest in units 41, 42 to improve BH sheep population.
- A recommendation to decrease elk B tags in the Elk City Zone from 1432 to 1200 due to bull elk objectives not being met.
- A request not to lengthen elk season in Unit 39.
- Two people commented that they appreciated the reconsideration of Unit 54 bull tags and elimination of antlerless mule deer harvest.
- Two people were not supportive of the proposal to cut the Unit 45 early controlled antlered elk hunt.
- Five individuals including reps from IA ICA F4WM supported the proposed changes to wolf hunting and trapping seasons, though one comment was not supportive of the public land closure in units 48, 49.
- Four individuals expressed concern about lion pups.

Non action item comments.

- One person concerned about thermal imagining.
- One person interested in requiring salvage of bear and lion meat.
- Two individuals , on behalf of ICL commented on the shortenings of the wolf management plan.
- One comment testified about his concerns over the Lava Ridge wind energy plan.
- Oen individual wanted to speak with someone about fisheries and the closures to a section of the SFSR chinook fishery.
- One oral and written history of white-tail tag in the Clearwater Region.

MISCELLANEOUS

Consent Calendar

Minutes November 14-15 and December 12, 2022.

Financial Report
Consent Calendar items were adopted without objection.

SEASON SETTING AND RULES

Season Setting: Spring Chinook Salmon Fisheries

Chris Sullivan, Anadromous Fisheries Coordinator presented (Appendix 56, Exhibit 13).

This agenda item concerns the setting of Chinook Salmon fishing seasons targeting adult anadromous Chinook Salmon in the Snake River, Lower Salmon River, Little Salmon River, Mainstem Clearwater River, North Fork Clearwater River, and South Fork Clearwater River. Fisheries staff will brief the Commission on the pre-season forecasts for Snake River spring and summer Chinook salmon returns for 2023 and propose salmon seasons based on the pre-season forecast and public input. For all proposed fishing areas, sufficient numbers of hatchery salmon are forecasted to return in 2023 to provide sport fisheries that target the non-tribal harvestable share after brood stock targets are considered.

Idaho Statute 36-104(b)2 gives the Commission the authority to make a rule or proclamation establishing seasons and methods for the taking of fish. Fishing Rules are provided in IDAPA 13.01.11

Public meetings to seek input on 2023 Chinook Salmon seasons were held in Riggins, Lewiston, Orofino, Coeur d'Alene, and Cascade during February. Fish and Game Regional staffs hosted each of the meetings to provide information on 2023 projected salmon returns and to allow for public comment on potential 2023 seasons.

Staff Recommendation:
Approve the proposed 2023 fishing seasons for Chinook Salmon in the Snake River, Lower Salmon River, Little Salmon River, Mainstem Clearwater River, North Fork Clearwater River, and South Fork Clearwater River.

23-14 Commissioner Ebert moved and Commissioner Bobbitt seconded a motion to approve the proposed 2023 fishing seasons for Chinook Salmon in the Snake River, Lower Salmon River, Little Salmon River, Mainstem Clearwater River, North Fork Clearwater River, and South Fork Clearwater River. Motion carries.

Petition to Close Trapping in Unit 39 and Require Placement of Signage regarding traps at Trailhead and Within 25' of Traps Along Public Trails

Cory Mosby, Staff Biologist presented the petition request (Appendix 56, Exhibit 14).
Background:
The Commission received a petition on January 20, 2023, requesting rulemaking to require:

1. Trapping be prohibited in Game Management Unit 39; and

2. Trappers to place signs at trailheads on popular trails or near cities and on public trails within 25 feet of traps and snares.

Trapping is an activity regulated by the Department. In Game Management Unit 39 licensed trappers are provided fur harvesting opportunity and trapping is an effective tool for addressing wildlife-human conflict while minimizing conflict with other user groups. The Commission has proclamation authority to open or close trapping seasons, thus rulemaking is not required for this portion of the petitioners' request.

In 2018 the Commission conducted rulemaking with public input to increase the distance required for placement of traps from paved trails to 300 feet and for placement of traps to 10 feet from the edge of any maintained unpaved public trail.

The Department currently encourages (in mandatory trapping classes and on the Department website) the use of signs on traplines warning the public of the placement of traps. Trapper education is mandatory for all trapping license holders who have purchased their first trapping license after June 30, 2011, and wolf trapper education is required for all participants in wolf trapping. A strong component of this classwork is the ethics involved with choosing trap site placement in consideration of other users of the landscape.

Members of the public have petitioned the Commission to consider their request to initiate rulemaking on the aforementioned trapping regulations and seasons. Multiple public input opportunities were provided during the prior rulemaking process on trap placement in proximity to public trails in 2018. Public input opportunities were also provided in association with the 2022 – 2023 furbearer season setting process and during the season-setting process for the 2023 and 2024 wolf trapping seasons which is scheduled for action at the Commission's March 16, 2023 meeting.

Staff Recommendation:
Staff recommends the Commission deny the petition.

23-15 Commissioner Cheirrett moved and Commissioner Ebert seconded a motion that the Commission deny the petitioners' request for rulemaking because trapping is a regulated activity managed by the Department to provide fur harvesting opportunity and provide tools for wildlife-human conflict across the state, and because rules already restrict trap placement to distances greater than 300 feet from campgrounds, trail heads, and paved trails and to distances greater than 10 feet from the edge of maintained unpaved public trails, and because further regulation to require signage is not warranted. Motion carries

Big Game Season Setting
Deer, Elk, Pronghorn, Black Bear, Mountain Lion, Wolf Seasons
Landowner Appreciation

A draft copy of the Idaho Big Game 2023 Seasons & Rules was provided to the Commissioners (Appendix 56, Exhibit 15).

Rick Ward, State Wildlife Manager presented an overview of the 2023 & 2024 Big Game Season Recommendations (Appendix 56, Exhibit 16):

- Summary of public outreach and input
- Update on winter conditions and feeding operations
- Review of proposed big game seasons
- Preliminary proposals dropped or modified
- Discussion and motion to adopt big game seasons and LAP seasons (Appendix 56, Exhibit 17).

At the request of Chairman Murphy and Commission, each species will be a separate motion.

23-16 Commissioner Attebury moved and Commissioner Ebert seconded a motion to adopt staff recommendations for the 2023-2024 and 2024-2025 deer hunting seasons. Motion carries.

23-17 Commissioner Davies moved and Commissioner Cameron seconded a motion to adopt staff recommendations for the 2023—2024 and 2024-2025 elk hunting seasons and the Landowner Appreciation Hunts. Motion carries.

23-18 Commissioner Cheirrett moved and Commissioner Bobbitt seconded a motion to adopt staff recommendations for the 2023-2024 and 2024-2025 pronghorn hunting seasons and the Landowner Appreciation hunts. Motion carries

23-19 Commissioner Bobbitt moved and Commissioner Cameron seconded a motion to adopt staff recommendations for the 2023-2024 and 2024-2025 black bears, mountain lions and grey wolf seasons. Motion carries.

23-20 Commissioner Ebert moved and Commissioner Cameron seconded a motion to adopt staff recommendations for the Landowner Appreciation Program big game seasons. Motion carries

REPORT

Ducks Unlimited Canada Fall Flights Program

Dave Kostersky, Manager, International Partnership, Duck Unlimited Canada

Background: Waterfowl band recovery data has demonstrated a strong link between waterfowl produced in the Prairie Pothole Region of Canada and subsequently harvested in the Pacific Flyway. More specifically, Alberta stands out as a primary source of ducks harvested in Idaho.

The Idaho Department of Fish and Game has partnered with Ducks Unlimited Canada since 1988 to support conservation programs in Alberta. This partnership is made possible through Fall Flights. This is an Association of Fish and Wildlife Agencies program for states to support waterfowl conservation on the breeding grounds of Canada. The Prairie Habitat Joint Venture developed a priority map and productivity model based on waterfowl science to support these conservation program delivery efforts.

Mr. Kostersky provided a report (Appendix 56, Exhibit 18) on accomplishments achieved with Idaho. And information on current and future conservation challenges and opportunities in waterfowl production areas of the Canadian prairie were presented.

SEASON SETTING AND RULES

Migratory Game Bird Season Setting Preview

Jeff Knetter, Upland Game & Migratory Bird Coordinator presented.

Idaho's migratory game bird seasons are set within a framework established by the U.S. Fish and Wildlife Service (USFWS), after consulting with state fish and wildlife agencies. Regulatory decisions are made using biological data observed the previous year. This process and schedule allow for final season frameworks (e.g., outside dates, season lengths, bag limits) to be finalized early enough for state agencies to select and publish season dates well in advance of fall seasons. Furthermore, this process allows the Commission to set seasons for all migratory game birds concurrently.

The Adaptive Harvest Management (AHM) process determines the general duck season framework. This process was adopted by the USFWS in 1996 and is used to annually evaluate duck habitat and populations. The AHM process informs the optimal season framework for U.S. duck seasons. Special harvest strategies are used for some of the less common ducks.

Goose seasons are determined by flyway management plans for each goose population.

American crow seasons are set by states as per the hunting regulations defined in the Federal Register (50 CFR 20.133).

Dove seasons are determined by the mourning dove harvest strategy for doves in the Western Management Unit, which is based on band returns.

Sandhill crane seasons are directed by the Pacific Flyway Council Rocky Mountain Population Crane Plan.

Mr. Knetter presented the frameworks finalized by the USFWS in October 2022, and reviewed season proposals scoped with the public (Appendix 56, Exhibit 19).

The Commission will set Idaho's migratory game bird seasons during their April 13 conference call.

Rulemaking and Legislative Update

Amber Worthington, Deputy Director provided an update and status on legislative bills, the Legislature is still in session.

House Joint Memorial 5 GRIZZLY BEAR – States findings of the Legislature and urges the delisting of grizzly bear in the lower 48 states. Reported out of the House Resources and

Conservation Committee. Asking for action for the Department to support on behalf of the Commission.

Deputy Attorney Kathleen Trever noted that HJM5 was not noticed as an action item, therefore no action can be taken at this time.

Fee and non-fee rules are currently "pending" and awaiting approval of the 2023 Legislature.

The 2024 Rules approved by the Commission in January have received the ok to move forward with the rulemaking process from Division of Financial Management and the Governor's office. The Department will begin the negotiated rule-making process for Chapters 6, 8, 11, 12 15 IDAPA 13. Public meetings for these chapters start April 17.

REPORTS

Mourning Dove Banding Program

Eric Freeman, Regional Wildlife Biologist provided the report.

Mourning doves are the most hunted migratory game bird species in the U.S. with over 10 million doves harvested by more than one million hunters annually. Nearly 60,000 doves are harvested in Idaho annually, which makes them the second most harvested game bird in the state, behind mallards.

A harvest strategy was endorsed by the flyway councils and the U.S. Fish and Wildlife Service in 2013, with implementation beginning in 2014. An integral component of this harvest strategy is mourning dove banding. Band returns, primarily recovered and reported by hunters, are used to estimate harvest, population parameters (i.e., rate of growth, survival rates), and population abundance. Idaho has participated in the cooperative nationwide dove banding program since 2003. Over 13,000 doves have been banded by Idaho Department of Fish and Game staff and volunteers to date.

Mr. Freeman presented an overview of mourning dove banding, results, and how information from this effort informs mourning dove harvest management (Appendix 56, Exhibit 20).

Shed Antler Pickup Update

Toby Boudreau, Deer & Elk Coordinator, reported that the popularity of shed antler gathering has been growing among western states. Some states have implemented seasons to regulate shed antler gathering and the disturbance of wintering ungulates. High economic value of antlers is likely driving the increase in participation, and the increased number of participants, along with financial incentive, brings issues of deer and elk harassment on winter range, habitat damage, and trespass complaints.

Intuitively, additional disturbance, particularly when deer and elk are heavily concentrated in years with deeper snowpack, results in greater energy expenditures of these animals during their

greatest period of stress. In 1994 Department regulations restricted the pick-up of shed antlers of deer, elk, and moose in Units 60, 60A, 66, 67, and 69 to May 1 through December 31. All Units in the Southeast region were added to this regulation in 1998. This rule was discontinued after 2002.

In response to concerns about disturbance to deer and elk potentially caused by shed-antler hunters and other recreationists during the severe winter of 2017 and 2023, the Department closed several WMAs in eastern Idaho to all public access. Under special circumstances, such as after wildfire on winter range habitat, the federal government has used similar closures to reduce disturbance on wintering wildlife.

An increasing number of states in the west have instituted seasons to regulate shed antler gathering, including Colorado, Nevada, Utah and Wyoming. When states implement season closures on antler pickup, antler gatherers from those state move to adjacent states where there are no closures, compounding issues in those states.

Mr. Boudreau presented a review of the range of statutes and rules governing shed antler hunting in other western states (Appendix 56, Exhibit 21).

MANAGEMENT PLAN

Pronghorn Plan for Review and Release for Public Comment

Jake Powell, Wildlife Regional Biologist reported that staff have drafted a revision of the Department's Pronghorn Management Plan (Appendix 56, Exhibit 22).

The intent of this update is to use current information to provide guidance for the Department and their partners to implement management actions that will aid in protection and management of pronghorn populations in Idaho and guide harvest season recommendations. This plan will set overall direction and will function as the action plan for pronghorn management in Idaho during the next 6 years (2023-2028). Major issues affecting pronghorn are identified. This plan will guide the Department in annual work plan development and program prioritization and provide guidance on development of regulatory recommendations.

Commission concurrence is for Department staff to release the Draft Pronghorn Management Plan to the public, agency partners, and interested organizations for input. Staff will revise the draft based on input received with intent to complete a final plan to present to the Commission for approval and adoption at their May meeting.

REPORTS

Chronic Wasting Disease Update

Rick Ward, State Wildlife Manager provided an update on the CWD control action (Appendix 56, Exhibit 23). The control action started the week of February 13 in the Slate Creek drainage. The goal of this action was to reduce deer densities in and around the CWD focal area, thereby reducing the risk of spread. As of March 10, 375 animals have been tested.

Director's Report

Director Fredericks highlighted items from each bureau in the Director's report.

Commissioner Reports

Commissioner reports stand as written (Appendix 56, Exhibit 24).

MISCELLANEOUS

Planning for Next Meeting

The next meeting is May 10-11 in Jerome.

Deputy Attorney General Kathleen Trever stated that with the actions for big game season setting today, the Discount Order for mountain lion, black bear and gray wolf would need to be updated and suggested the April 13 conference call.

Ms. Trever also noted that the Rulemaking presentation was not noticed for Commission action, so it was not appropriate for the Commission to consider action in support of HJM5. Commissioners did not identify any objections for staff to provide technical support for HJM5 should it reach the Senate Resources and Conservation Committee.

Executive Session I. C. 74-206 (1)(c)(f)

23-21 Commissioner Cameron moved and Commissioner Ebert seconded a motion that the commission enter into executive session under Idaho Code 74-206 subsections (1)(c) (f). Roll Call Vote:

Staff presented information on potential land acquisition. Legal counsel discussed litigation matters.

23-22 Commissioner Cameron moved and Commissioner Ebert seconded a motion that the commission come out of executive session with the record to reflect no final action was taken.

Adjourn

Don Ebert
Chairman

Jim Fredericks
Secretary